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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Case No. 3:17-cv-00011-HDM-VPC

ORDER

Plaintiff,

v.

THUNDER PROPERTIES, INC.;
ESPLANADE AT DAMONTE RANCH
HOMEOWNERS ASSOCIATION; ATC
ASSESSMENT COLLECTION GROUP,
LLC,

Defendants.

Before the court are cross-motions for summary judgment. On June 20, 2018, plaintiff U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust ("U.S. Bank") filed a motion for summary judgment (ECF No. 36) against defendant Thunder Properties, Inc. ("Thunder"). On June 22, 2018, Thunder filed its motion for summary judgment (ECF No. 38) against plaintiff U.S. Bank.

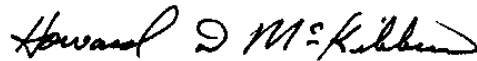
As with many of the other NRS Chapter 116 foreclosure cases, a key question in this case is whether NRS Chapter 116 (as it existed when this sale was conducted) violates due process. There is currently a split in state and federal court on that very issue. *Compare Bourne Valley Court Tr. v. Wells Fargo Bank, NA*, 832 F.3d 1154 (9th Cir. 2016), with *Nationstar Mortgage, LLC v. Saticoy Bay LLC Series 2227 Shadow Canyon*, 405 P.3d 641, 648 n.11 (Nev. 2017).

1 On August 2, 2018, the Supreme Court of Nevada issued a decision on the proper
2 interpretation of Nevada law on which the due process inquiry turns in response to a
3 question certified to it in another case in this district. *SFR Investments Pool 1, LLC v.*
4 *Bank of N.Y. Mellon*, 134 Nev. Adv. Op 58, --- P.3d --- (2018). In light of the Supreme
5 Court of Nevada's decision, the parties are allowed until August 27, 2018 to supplement
6 their respective motions for summary judgment if they wish to do so. The parties shall
7 have until September 4, 2018 to respond to any supplements filed in this case.

8 The bench trial currently set for Monday, September 24, 2018 is VACATED and
9 will be reset at the convenience of the court and the parties after supplemental briefing is
10 complete.

11 IT IS SO ORDERED.

12 DATED THIS 13th day of August, 2018.

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16 HOWARD D. MCKIBBEN,
17 UNITED STATES DISTRICT JUDGE
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